

#### **IV. REMARKS**

1. Claims 1, 2, 7 and 8 are amended. Claim 5 is cancelled.
2. The Abstract is amended to overcome the Examiner's rejection.
3. The drawings are amended to overcome the Examiner's objection.

Figure 1 is amended to include a reference number for the motor that drives the displacement unit. The motor is disclosed on page 5 at lines 11-14 of the specification as originally filed. The specification is also amended to add the reference number for the motor.

Figure 5 is proposed to be added to support description originally present in the application as filed and illustrates a packaging machine according to one embodiment. The specification is also being amended to reflect the addition of Figure 5. It is submitted that no new matter is being added and that support for Figure 5 and the corresponding specification amendment can be found, for example, at page 2, lines 5-23 and page 4, line 21 through page 5, line 18 of the specification as originally filed.

Replacement drawings sheets are being submitted herewith. No new matter has been added.

4. Claims 2-7 are patentable under 35 U.S.C. 112, first paragraph. Contrary to the Examiner's statement that the "specification and drawings clearly disclose that the packaging item support means comprises two cables", the specification as originally filed supports the "at least one cable" as claimed in claims 2-7.

For example, page 2, line 28 through page 3, line 4 recites "[a]lso according to the invention, at least one co-travelling packaging item support means is arranged on the displacement unit. This packaging item support means is preferably a cable, particularly preferable a wire cable. Also preferred as the packaging item support means is a thin resilient belt of any desired width. The cable and/or belt extends under the base film and parallel to the direction of displacement of the displacement unit and is arranged between two packs, such that the base film, which is formed into the packs, does not sag." (Emphasis added). As such, it is clear from the specification as originally filed that one or more cables can be used as the support means recited in claims 2-7. Therefore, the rejection should be withdrawn.

5. The claims are amended to overcome the Examiner's rejection of claims 1-10 under 35 U.S.C. 112, second paragraph. Claims 1 and 7 are amended. Claim 5 is cancelled.

6. Claims 1-4 and 6-8 are patentable under 35 U.S.C. 102(b) over Hackenberg (DE 3809659). Claim 1 recites that the packaging machine comprises a punching machine, a sealing station and/or a transverse cutter, which are displaceable in or contrary to a conveying direction of the film and a packaging item support means that co-travels with the punching machine, the sealing station and/or the transverse cutter, the packaging item support means is arranged on the punching machine, the sealing station and/or the transverse cutter between two packs to avoid sagging of the base film. These features are not disclosed or suggested by Hackenberg.

Hackenberg discloses a drive station for cable operated haulage conveying tracks, in particular in underground working. The take

off force from the conveying cable is performed by the truck and the introduction of force into the conveying cable takes place with a rope reel, preferably a drive disc. The conveying cable is held taught in at least one tensioning station.

Hackenberg simply does not disclose or suggest a packaging machine or a punching machine, a sealing station and/or a transverse cutter, which are displaceable in or contrary to a conveying direction of the base film and a packaging item support means that co-travels with the punching machine, the sealing station and/or the transverse cutter, the package item support means is arranged on the punching machine, the sealing station and/or the transverse cutter between two packs to avoid sagging of the base film. Thus, claim 1 is not anticipated and is patentable. Claims 2-4 and 6-10 are patentable at least by reason of their respective dependencies.

7. Claims 1-10 are patentable under 35 U.S.C. 102(b) over L. Vetter, U.S. Patent No. 4,033,092. Claim 1 recites a packaging item support means that co-travels with the punching machine, the sealing station and/or the transverse cutter, the package item support means is arranged on the punching machine, the sealing station and/or the transverse cutter between two packs to avoid sagging of the base film. These features are not disclosed or suggested by Vetter.

Vetter discloses a packaging machine in which two packaging material webs are used. The packaging machine has a means to reel off the second web in an intermittent way so as to allow the printing of data on the web using a simple printing apparatus. (Abstract). In Vetter three work stations, namely a deep drawing station (1), a vacuum and sealing station (2), and a separating

station (3) are carried by a frame (4). A lower foil web (81) is drawn off a first roll (80), grasped by the chain gripping device (10, 10') and advanced through the individual stations. The chain gripping device is of conventional construction and is adapted to positively drive the power packaging material web in continuous movement from the right to the left, as viewed in FIG. 1 of Vetter. The upper web (11) is pulled by the lower web (87) during the periods when the stations (1, 2, 3) are open, since the upper web is sealed to the lower web. When the stations (1, 2, 3) are closed both webs are pressed together so that the movement of the working stations is imparted to the upper web. The bottom half of the package is drawn in deep drawing station (1) and is moved to the sealing station (2). An upper foil web (82) is drawn off a second roll (83) by means of a suitable mechanism with guide rollers (84, 85, 86, 87) and over the forms below is likewise through the sealing station led. (Col. 2, L. 4-28).

Vetter simply does not disclose the chains (10, 10') as supporting the material web to avoid sagging of the web. Vetter merely discloses that the chain gripping device (10, 10') is of conventional construction and is adapted to positively drive the packaging material web in a continuous movement from right to left (Col. 2, L. 10-15) and nothing more.

Further, the gripping chain (10, 10') of Vetter does not "co-travel" with the stations (1, 2, 3) and is not "arranged on" the stations as recited by Applicant. The chain (10, 10') is supported by the sprockets (7, 9, 39, 40) and is not attached to the stations (1, 2, 3). In Vetter, the chain (10, 10') is continuously driven through the stations (1, 2, 3) from right to left (Col. 2, L. 8-10; Col. 3, L. 39-42; Col. 3, L. 58-67).

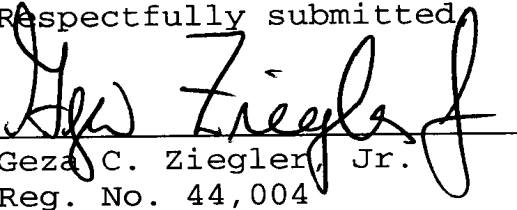
Thus, the stations in Vetter move independently from the chains (10, 10') (see e.g. Col. 3, L. 58 - Col. 4, L. 33). In addition, the rods (5, 18) of Vetter are not a "packaging item support means" that "co-travels" with the stations as called for in claim 1 because neither the stations (1, 2, 3) nor the rods (5, 8) are disclosed as supporting a packaging item to "avoid sagging of the base film" as recited in claim 1.

Therefore, Vetter does not disclose or suggest a packaging item support means that co-travels with the punching machine, the sealing station and/or the transverse cutter, the package item support means is arranged on the punching machine, the sealing station and/or the transverse cutter between two packs to avoid sagging of the base film as recited in claim 1. Thus, claim 1 is patentable and is not anticipated. Claims 2-4 and 6-10 are patentable at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

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Respectfully submitted

  
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12 September 2006  
Date

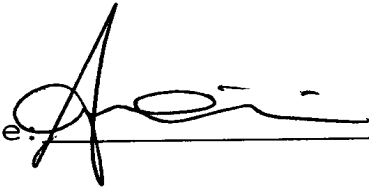
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